

**FAP 111-35-00**  
**COMPETITIVE SEALED BIDDING**

1. **Competitive Bid Requirement:** Competitive sealed bids shall be solicited in the state's procurement system. Competitive sealed bidding shall be required for all purchases, except purchases made in accordance with KRS 45A.100 or KRS 45A.085. Unless otherwise permitted by law, only the Office of Material and Procurement Services or an agency with delegated authority or limited special authority may issue a competitive Solicitation or Request for Proposal. Purchases of major items of equipment estimated to cost \$100,000 or more and equipment projects that constitute a computer or telecommunications system, as defined by 14 KAR 1:010, estimated to cost \$400,000 or more, shall receive prior approval of the Governor's Office for Policy and Management (GOPM) pursuant to KRS 45.750 - 45.810.
2. **Competition Among Vendors:** A Solicitation shall be distributed to the vendor community by posting it to the Commonwealth's eProcurement web site.
3. **Bid Publication:** The Office of Material and Procurement Services or an authorized agency may advertise a Solicitation in a major newspaper of general circulation in the Commonwealth, to be designated by the Office of the Controller. The advertisement shall contain not less than the following information:
  - a. The Solicitation or proposal number.
  - b. The name of the using agency.
  - c. A general description of items or services to be purchased.
  - d. The date, time, and place at which Solicitation responses shall be opened.
  - e. An address or phone number from which the Solicitation or proposal may be requested.The notice, if advertised, shall be published at least seven (7) days prior to the opening of bids.
4. **Best Value Procurement:** In accordance with KRS 45A.080, contracts issued in response to competitive sealed bids shall be awarded on the basis of best value criteria, as defined in KRS 45A.070(3). A Solicitation shall clearly identify the procurement as a best value award, shall contain the measurable best value criteria, and shall clearly explain how the criteria shall be used in the evaluation and award process. Best value shall be based on objective and quantifiable criteria that shall include price.
5. **Minimum Times to be allowed for Bid Response:** Bid openings shall be held no sooner than seven (7) days after Solicitations are uploaded electronically to the Commonwealth's eProcurement web site.
6. **Submission of Bids:**
  - a. A bidder shall submit one response to a Solicitation and shall not propose more than one model and brand for each item listed in the Solicitation, except for tiered pricing. Multiple or alternate bids offering more than one bid price in total or by line item shall be rejected unless specifically called for in the Solicitation.
  - b. An envelope used for the hard copy submission of a bid shall bear the following information:
    - (i) The date and time of the bid opening; and

- (ii) The bid or quotation number.
  - c. A bid response submitted using the online bid response feature of the state's procurement system shall contain all required information for the Solicitation. An online bid response that is incomplete or not marked as formal and authenticated by the vendor with an electronic signature shall be considered non-responsive and shall not be eligible for award.
  - d. A vendor who submits an online bid response may submit an exact hard copy of the response as backup, in accordance with FAP 110-10-00(5)(b).
7. **Use of Facsimile (FAX) Equipment:** A faxed response to a Solicitation for competitive sealed bids shall not be accepted.
8. **Bid Changes or Withdrawals:** A vendor may withdraw or change a bid if a request is made before the time set for opening bids. Withdrawal of a bid after opening shall be permitted only if clear and convincing evidence indicates that a bidder has made a bona fide error in the preparation of a bid and the error will result in substantial loss to the bidder. Proof shall be submitted to substantiate error and loss to the reasonable satisfaction of the Office of Material and Procurement Services. The withdrawal of any bid under this paragraph shall be completed on a method of award basis as set forth by the Solicitation, for example line item, group, and total Purchase Request.
9. **Receipt of Bids:**
- a. Online bid responses shall be assigned a date and time stamp from the state's procurement system at the time of final approval and submission by the vendor. The state's procurement system will not allow submission of online responses after the published date and time for bid closing. Online bid responses shall be secured electronically and shall not be viewable by the Commonwealth until the published date and time for bid closing.
  - b. All competitive bids, in hard copy, shall be time and date stamped by the Office of Material and Procurement Services or authorized agency upon receipt. All bids shall be filed by Solicitation number in a secure place to protect the integrity of the bid process. No information shall be disclosed as to the number of bids received or the identity of the bidders.
10. **Opening of Bids:** At the time designated for bid opening, online and hardcopy bids shall be opened and may be read or otherwise made available to the public. No late online bid responses shall be received or considered. A hardcopy bid received after the time specified in the Solicitation shall not be considered, unless no other bids are received. For morning bid opening, no late bid shall be considered unless it is postmarked or logged into the courier tracking system on or before the day before the bid opening. For afternoon bid opening, no late bid shall be considered unless it is postmarked or logged into the courier tracking system on or before 12 noon of the day of the bid opening.
11. **Bid Evaluation:** State agencies shall award each competitively solicited contract from a bid evaluation in the state's procurement system.

(KRS 45A.080)  
(200 KAR 5:306)